

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY DECEMBER 19, 2023
7:30 P.M.**

A. ROLL CALL OF MEMBERS:

B. PLEDGE OF ALLEGIANCE:

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to Meeting Minutes held on November 21, 2023.
2. Regular Council Meeting Minutes held on November 23, 2023.

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter
Finance Committee - Chairman, Scott
Legislative Committee - Chairwoman, Coyne
Parks & Recreation Committee - Chairman, Mencini
Planning Committee - Chairman, Troyer
Safety Committee - Chairman, Roberts
Service Committee - Chairman, Poindexter
Board of Zoning Appeals - Chairman, Salvatore

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini
Berea Board of Education Representative, Coyne
Technology & Innovation Council Representative, Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

**I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

Communications: Per Mayor Orcutt's Veto:

1. ORDINANCE NO. 11373-2023
AN ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'ADULT USE CANNABIS OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer, Mencini, Coyne, Poindexter and Roberts. **(Per Section 303(b) of the City Charter this must be reconsidered by Council).**

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

Appointments:

1. Civil Service Commission - Lawrence Kelly.

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. ORDINANCES AND RESOLUTIONS: (FIRST READING):

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY DECEMBER 19, 2023**

The meeting was called to order by Council President Vecchio at 7:30 p.m., the clerk called the roll and the following Members of Council answered:

MENCINI, ROBERTS, POINDEXTER, TROYER, COYNE, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director McGann, Safety Director Sensel, Service Director Beyer and Engineer Piatak. Councilman Salvatore excused.

APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior to Meeting Minutes held on November 21, 2023.
2. Regular Council Meeting Minutes held on November 23, 2023.

Motion by Mr. Mencini, supported by Mr. Roberts, to approve.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Coyne, Scott

NAYS: Unanimous.

REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter

No report.

Finance Committee - Chairman, Scott

Mr. Scott reported Finance committee has nothing on tonight's agenda. The Board of Control has met twice since last report. December 12th with 12 items on the agenda; three largest being final payment for the asphalt recycling program - \$163,426.65; Euthenics - Wedo Park storm basin - \$10, 609.88 and city planning fees - \$5,000.00. December 19th board of control had five (5) items on the agenda with the three (3) largest being city planning fees - \$31,500.00; Wedo Park storm basin project - \$ 229,33078 and Brook Park Memorial demolition - \$236,240.36. Merry Christmas and happy, safe, prosperous New Year.

Legislative Committee - Chairwoman, Coyne

Madam Coyne stated nothing on tonight's agenda. Thanked Council, Administration and residents for allowing to serve, two years went by to quick. Merry Christmas and Happy New Year.

Parks & Recreation Committee - Chairman, Mencini

Merry Christmas and Happy New Year. The recreation center is having Vote for the homes with best Christmas lights, New Year resolutions are coming up maybe join the recreation center. Basketball practices have started with games to begin first week of January. There are a lot of needs for the recreation center i.e. natatorium) roof and walls need to be fixed. With the Central Park would like to see some type of body of water or pond i.e. Coe Lake in Berea and other items. With the fixing of the roof and walls there is still a lot of money needed for this center and other needs of the city. When children are off school possibly have a Brook Park day for

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Reports of Standing committees:

Parks & Recreation Committee - Chairman, Mencini: cont.

Brook Park children only. To Councilwoman Coyne and Council President Vecchio thank you for working with me on Council.

Planning Committee - Chairman, Troyer

Mr. Troyer stated no report. Thanked Madam Coyne and Council President Vecchio for serving. With this recreation center my priority has been (natatorium) roof and walls not done soon will collapse in future. Merry Christmas and Happy New Year.

Safety Committee - Chairman, Roberts

Mr. Roberts stated no report. Merry Christmas and Happy New Year. Thanked Council President Vecchio for six (6) years of service; Madam Coyne for two (2) years of service.

Service Committee - Chairman, Poindexter

Mr. Poindexter wished everyone a Merry Christmas and Happy New Year.

Board of Zoning Appeals - Chairman, Salvatore

No report.

REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini

Mr. Mencini reported the board met on December 13th and is offering a new free calcium testing per doctor's request. Doctor Pandrangi thanked all Brook Park residents on the recent passage of the levy. Southwest has strong volume with the help of emergency services, in-patient and home management rehabilitation. Southwest offers many programs with the strategic goal of retaining employees.

Board of Education Representative, Coyne

Madam Coyne reported Berea City Schools are getting stricter during school hours and everyone having identification badges.

Mr. Roberts mentioned Brook Park resident, Doug Schwinn, has been appointed to the Polaris Vocational school board.

Technology & Innovation Council Representative, Poindexter

Mr. Poindexter reported the technology committee had their final meeting of the year on December 6th. The website is still being developed with the hope of rolling out early 2024.

REPORTS OF BOARDS AND COMMISSIONS:

INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

REPORTS AND COMMUNICATIONS FROM THE MAYOR:

Mayor Orcutt thanked Civil Service Commissioner, Terry Gardner, for 22 years on the commission. Second recognition is Council President Vecchio when you first ran for office the city was not in a good place and want to thank you for taking that on;

Reports and communications from the Mayor: cont.

best of luck in future endeavors. Third person to be recognized is Councilwoman Coyne during your short term we accomplished 16 major reconstructions and resurfacing projects, a high-pressure water mainline replacement; eliminated blight on Snow Road and installed a retention basin, in the two (2) years of service so thank you. To everyone else Happy Holidays and Happy New Year.

Questions:

Mr. Troyer asked Mayor Orcutt for an update on Blue Abyss?

Mayor Orcutt responded Blue Abyss is putting the capital stack together for this \$235 million-dollar project. Are currently finishing up all the paperwork with Maximum Title to take ownership of the land. A grant application has been turned into Governor DeWine's office in the amount of \$25 million-dollars and certified commitment letters have been received from the French government to pay for 45% of the project. Reason being the French Government is there is a company in Pittsburgh that is from France and trying to get name recognition in the United States. Blue Abyss has hired a new team member that built the capital stack for Sherwin-Williams and it seems that everything is moving faster with this new person on board. Big project and investors are looking at how the underground pool will work with pipes changing the current. Main concerns are how to send someone down in 20-years to fix pipes.

Mr. Troyer commented hope to see Blue Abyss larger than Forward Innovation.

Mayor Orcutt responded will be a world attraction.

Mr. Troyer asked for an update on the former BP gas station tear down?

Mayor Orcutt responded met with the owners, Cross America, who bought 36 BP gas stations approximately 14 or 15 years ago. In that sale there was a deed restriction that if it did not remain a BP gas station it could not be a place to sell coffee, packaged donuts and so forth; some people interested in that corner would like to sell these items. After a meeting with Cross-America the city is looking at a few different options and may have to take by eminent domain, Cross Roads has stated will not lift deed restriction. The Glimcher Group who owns Brookgate shopping center is interested in that corner and putting something larger than the current acreage.

Mr. Troyer continued I sent my wish list of streets in Ward One (1) that are in need.

Mayor Orcutt responded some things being put forward in Ward One (1) is the city has obtained a \$250,000.00 grant for Holland Road, county section, between Holland and Eastland Roads with a 50-50% share between county and city. Also for Ward One (1) is a complete mill and fill for Sheldon Road between Engle and Smith Roads.

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Questions to the Mayor: cont.

Mr. Troyer mentioned another old issue is the raising of Sheldon Road and Carpenter Park.

Mayor Orcutt agreed with Carpenter Park is in a bad spot and leaning. A lot of things have been accomplished and a lot of things are in need of repair. At the January 2nd Council meeting there will be introduction for the roof and walls to get that project started.

REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS, AND OTHER PUBLIC OFFICIALS:

Finance Director McGann

Mr. McGann reported the Tax Department has finished issuing the 2023 refunds total number 557 totaling \$957,410.75. Of that amount, \$681,389.24 were related to taxpayers working from home. Those amounts are down from last year's total of \$1,580,539.14 refunds with \$1,230,483.56 related to working from home. Cuyahoga County announced deadline for property tax payments to February 15th. Happy Holidays

Law Director Horvath

Madam Horvath stated no report. Happy Holidays to everyone. Expressed thanks to Council President Vecchio and Councilwoman Coyne for all their hard work and best of luck in the future.

City Engineer Piatak

Mr. Piatak gave updates on the Sheldon Road waterline project is wrapped up and two-way traffic was opened last Wednesday. The Brook Park Memorial demolition project haul-off activities are ongoing through February, 2024. The Wedo Park basin work has been suspended and if there is a break in the weather will take care of miscellaneous items. Merry Christmas and Happy New Year.

Service Director Beyer

Mr. Beyer reported leaf collection will wrap up this week. The service yard will be open next week from Tuesday to Friday from 8:00 a.m. to 7:00 p.m. for Christmas refuse drop-off including live trees. Next bulk pickup week is January 8th live trees can be put on tree lawn for pickup. To Council President Vecchio and Councilwoman Coyne pleasure working with you. Merry Christmas and Happy New Year.

Safety Director Sensel

Mr. Sensel stated no report but stated to Council President Vecchio and Councilwoman Coyne pleasure working with you and best of luck in the future. Best of luck to Terry Gardner in his future endeavors. Merry Christmas and Happy New Year.

Questions:

Mr. Mencini stated to Mr. Beyer like the idea of yard being open next week from 8:00 a.m. to 7:00 p.m. Asked Mr. Piatak for an explanation of the dirt pile at Brook Park Memorial, what will be used for?

Mr. Piatak responded the majority of the building had basements or lower levels and material will be needed to backfill those areas for grading purposes.

Mr. Mencini continued to Mr. McGann seems like the refunds are coming down.

Mr. McGann responded the numbers have come down but people still have three years to file and the department will need those three years to analyze before making a firm statement.

Mr. Mencini to Madam Horvath do you think there ever will be a resolution on the airport issue?

Madam Horvath clarified the City of Brook Park vs. City of Cleveland case. Feels there will be some kind of resolution, not sure what path it will take. Most likely come down to a legal opinion from someone rather than a settlement. Important for city to layout the framework and fight for the residents. Suit has merit and encouraged by Court of Appeals and look forward going back to trial court because, at that time, there is more evidence to present.

Mr. Troyer asked Madam Horvath when was the last time any contact with the west end residents, a letter?

Madam Horvath responded a letter was sent out after the Court of Appeals decision, August or September, to inform residents what was going on.

Mr. Troyer mentioned a possible meeting with residents and legal team, to ask questions.

Madam Horvath responded that may happen if this goes back to the trial court level, currently arguing back and forth on paper. When the case gets back to the Court of Common Pleas would like to have residents present their thoughts and evidence.

OTHER COMMUNICATIONS, PETITIONS AND VERBAL APPROVAL:
(INTRODUCTION OF NEW LEGISLATION):

Communications: Per Mayor Orcutt's Veto:

1. ORDINANCE NO. 11373-2023
AN ORDINANCE ENACTING CHAPTER 719 OF THE BROOK PARK
CODIFIED ORDINANCES ENTITLED 'ADULT USE CANNABIS
OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by
Councilmembers Troyer, Mencini, Coyne, Poindexter and Roberts. **(Per
Section 303(b) of the City Charter this must be reconsidered by
Council).**

Mr. Poindexter stated to Madam Horvath reading the Charter it says the Mayor can disapprove one section; that doesn't void the entirety of the legislation. My question is can Council remove the item the Mayor objected to and move forward with passage of legislation?

Madam Horvath responded I think the more prudent route, at this point, since we're in the dark as to what Columbus will be giving out. Is to take the time to put together something that will have be good and meaningful for the city. There are some things, in the future, that Council may want to take out and as it stands now; the veto is appropriate.

Mr. Poindexter continued question is there anything else in this legislation that is against state law, other than the fees and taxes.

Madam Horvath responded the law department took a very long look at this and other than the fees and taxes there was also another section that was never read into the record in 719.08.

Mr. Poindexter interjected that is the section that Council will be removing, due to Mayor having issue with.

Madam Horvath disagreed and stated there was a piece of paper with the \$25,000.00 license and 1.5% tax.

Mr. Poindexter interjected that is in section c that will be removed in its entirety.

Madam Horvath continued Council can do whatever they wish, my question is this will have to be amended in the future and think all of us should put our heads together to come up with a comprehensive piece that is not constantly amended.

Mr. Poindexter wanted to make Council aware that almost every ordinance on the books has been amended when times have changed. Council passed Chapter 1127 that references Chapter 719 so I think it's prudent that we have a Chapter

Communications - override of Mayor's veto: cont.

719 on the books by removing section c to be in-line with state law that removes the language that Madam Horvath stated wasn't read.

Mr. Troyer stated the current legislation is modeled after the City of Lakewood that had a moratorium and is now in the process of doing what we asked; by taking out the word 'medical'. At last night's meeting Lakewood Council gave first reading to legislation that includes the \$25,000.00 fee in the legislation, was not amended out. Hoping tonight to override the veto and then ask the law department to amend the legislation by removing the fees, I think the fees should be lowered, as well as other words such as pharmacy board, etc. In order to protect the city, I think it best is to override the veto and ask law department for an amended version; Chapters 719 and 1127 are designed to work together.

Mr. Mencini questioned the City of Lakewood having a moratorium then quickly putting legislation on first reading with the \$25,000.00 fee. Asked Mayor Orcutt's opinion the removal of section c.

Mayor Orcutt responded that was the whole basis of the veto to protect city with the law director's opinion of the city doing something that didn't meet standards and possible lawsuit. I stand with the law director to hit pause button and meet around the table with the law department, would like to be included, to fine-tune as to what is best for the community.

Mr. Scott stated I will not go against recreational marijuana and nothing will be finalized for nine (9) to get a commission up and running; agree with both the Mayor and law director. The word is out there that Brook Park be a recreational marijuana friendly city. The state is supposed to have finalized by July or August so step back and get input from everybody. There will be many other things coming down the pike and all of us should work together to get a fluent piece of legislation and the city protected.

Motion by Mr. Poindexter, supported by Mr. Troyer, remove 719.08 c and move letter d up to letter c and override the veto.

ROLL CALL: AYES: Poindexter, Troyer, Coyne, Mencini, Roberts

NAYS: Scott.

Mayor Orcutt asked Madam Horvath with the letters a, b and c does that meet legal standards.

Madam Horvath the new license fee of \$350,00 and renewal of \$250,00?

Mayor Orcutt concurred.

Communications - override of Mayor's veto: cont.

Madam Horvath continued the law department looked at that and think it would be permissible due to other businesses in the city charging monetary amounts. The department also looked if that would deter a business to come to the city and determined that could be left in.

New Legislation:

1. An Ordinance authorizing the Finance Director to advance and transfer funds to the specified funds and declaring an emergency. Introduced by Mayor Orcutt. Assigned to Finance committee.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place under letter M.

ROLL CALL: AYES: Poindexter, Mencini, Roberts, Troyer, Coyne, Scott

NAYS: Unanimous.

Mr. Vecchio stated that will appear under M-1 as Ordinance No. 11379-2023.

MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

Appointments:

1. Civil Service Commission - Lawrence Kelly.

Motion by Mr. Mencini, supported by Mr. Roberts, to appoint.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Troyer, Coyne, Scott

NAYS: Unanimous.

REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Louie Modic

14399 Fayette Blvd.

Mr. Modic expressed wished Happy Holidays to everyone and expressed concerns with social media difference between public and private groups; income tax legislation introduced at last meeting; legislation under third reading and special meeting cancelled.

Motion by Mr. Troyer, supported by Mr. Poindexter, to address audience.

ROLL CALL: AYES: Troyer, Poindexter, Roberts, Mencini, Scott, Coyne

NAYS: Unanimous.

Mr. Troyer stated wrong and misleading information.

Mr. Poindexter stated legislation should not have first reading unless posted or read in its entirety.

Motion by Mr. Roberts, supported by Mr. Mencini, to go back to regular order of business.

ROLL CALL: AYES: Roberts, Mencini, Poindexter, Troyer, Coyne, Scott

NAYS: Unanimous.

ORDINANCES AND RESOLUTIONS: (FIRST READING):

ORDINANCE NO. 11379-2023

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ADVANCE AND TRANSFER FUNDS TO THE SPECIFIED FUNDS AND DECLARING AN EMERGENCY.

Introduced by Mayor Orcutt.

Motion by Mr. Mencini, supported by Mr. Poindexter, to suspend.

ROLL CALL: AYES: Mencini, Poindexter, Roberts, Scott, Coyne

NAYS: Troyer. Failed

Mr. Troyer asked to reconsider vote, will vote in favor of suspension.

Motion by Mr. Mencini, supported by Madam Coyne to reconsider.

ROLL CALL: AYES: Mencini, Coyne, Troyer, Scott, Roberts, Poindexter

NAYS: Unanimous. Motion reconsidered.

Motion by Mr. Mencini, supported by Mr. Roberts, to suspend.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Troyer, Coyne, Scott

NAYS: Unanimous.

Motion by Mr. Mencini, supported by Mr. Roberts, to adopt.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Troyer, Coyne, Scott

NAYS: Unanimous. Ordinance No. 11379-2023, has passed under suspension of the rules. Adopted.

SECOND READING OF ORDINANCES AND RESOLUTIONS:

THIRD READING OF ORDINANCES AND RESOLUTIONS:

Council President Vecchio thanked former and current Mayors', former and current Councilmembers' that he served with the last six (6) years on Council. Hope that the campaigning stops from the dais and taken outside. This city has great leaders and potential future leaders need to work together. To the administration directors nothing but a pleasure to work with just a phone call away. Employees of city are phenomenal and thanked everyone for the support but now time to enjoy my family and life.

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There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Roberts, to adjourn.

ROLL CALL: AYES: Mencini, Roberts, Poindexter, Troyer, Coyne, Scott

NAYS: Unanimous.

Council President Vecchio declared this meeting adjourned at 8:51 p.m. and stated Merry Christmas.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.